

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1270 be amended to read as follows:

- 1 Delete pages 1 through 5..
- 2 Page 6, delete lines 1 through 34.
- 3 Page 6, between lines 34 and 35, begin a new paragraph and insert:
- 4 "SECTION 1. IC 22-6-5 IS ADDED TO THE INDIANA CODE AS A
- 5 NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1,
- 6 2004]:
- 7 **Chapter 5. Right to Work**
- 8 **Sec. 1. This chapter does not apply to the following:**
- 9 (1) A person employed by the United States or a wholly
- 10 owned corporation of the United States.
- 11 (2) A person subject to the federal Railway Labor Act (45
- 12 U.S.C. 151 et seq.).
- 13 **Sec. 2. The provisions of this chapter do not apply to the**
- 14 **extent that they conflict with the federal National Labor Relations**
- 15 **Act (29 U.S.C. 151 et seq.) or any other federal law or regulation**
- 16 **concerning labor relations or labor organizations.**
- 17 **Sec. 3. As used in this chapter, "employer" includes:**
- 18 (1) a person employing at least two (2) persons within
- 19 Indiana;
- 20 (2) a public body; or
- 21 (3) an agent acting directly or indirectly for an employer.
- 22 **Sec. 4. As used in this chapter, "labor organization" means**
- 23 **any organization, agency, or employee representation committee**

1 that exists for the purpose, in whole or in part, of collective
2 bargaining or dealing with employers concerning grievances, labor
3 disputes, wages, rates of pay, terms, or conditions of employment.
4 The term includes a school employee organization (as defined in
5 IC 20-7.5-1-2(k)).

6 Sec. 5. As used in this chapter, "person" means an individual,
7 a proprietorship, a partnership, a joint venture, a firm, an
8 association, a corporation, or other legal entity.

9 Sec. 6. As used in this chapter, "public body" includes the
10 following:

11 (1) The state.

12 (2) A political subdivision (as defined in IC 36-1-2-13).

13 (3) A public transportation agency (as defined in
14 IC 36-9-1-5.5).

15 (4) A public utility employer (as defined in IC 22-6-2-2).

16 (5) A school employer (as defined in IC 20-7.5-1-2(c)).

17 Sec. 7. As used in this chapter, "state" includes any board,
18 branch, commission, department, division, bureau, committee,
19 agency, institution, authority, or other instrumentality of the
20 state of Indiana.

21 Sec. 8. An employer may not, as a condition of employment
22 or continuation of employment, require a person to:

23 (1) become or remain a member of a labor organization;

24 (2) pay dues, fees, assessments, or other charges of any
25 kind or amount to a labor organization; or

26 (3) pay an amount to a charity or third party that is
27 equivalent to or a pro rata portion of dues, fees,
28 assessments, or other charges regularly required of
29 members of a labor organization.

30 Sec. 9. A written or an oral contract or agreement, express or
31 implied, between a labor organization and an employer that does
32 not comply with section 8 of this chapter is void.

33 Sec. 10. A person who knowingly or intentionally violates
34 section 8 of this chapter commits a Class A misdemeanor.

35 Sec. 11. The attorney general or the appropriate prosecuting
36 attorney shall:

37 (1) investigate complaints concerning violations of this
38 chapter; and

39 (2) enforce compliance with this chapter by any appropriate
40 action.

41 Sec. 12. (a) A person who is injured as the result of an act or
42 practice that violates this chapter or who suffers injury from a
43 threatened violation may bring a civil action to obtain any or all
44 of the following:

45 (1) Actual and consequential damages resulting from the
46 violation.

47 (2) A civil penalty of not more than one thousand dollars
48 (\$1,000).

1 **(3) Reasonable attorney's fees, litigation expenses, and**
 2 **costs.**

3 **(4) Declaratory or equitable relief, including injunctive**
 4 **relief.**

5 **(5) Any other relief the court considers proper.**

6 **(b) The remedies and penalties in subsection (a) are**
 7 **cumulative and in addition to any other remedies and penalties**
 8 **available for the violation of this chapter."**

9 Page 16, after line 26 , begin a new paragraph and insert:

10 **"SECTION 11. [EFFECTIVE JULY 1, 2004] (a) This act does not**
 11 **apply to or abrogate a contract or an agreement in effect on June**
 12 **30, 2004.**

13 **(b) This act applies to a contract or an agreement entered**
 14 **into, modified, renewed, or extended after June 30, 2004.**

15 **(c) This SECTION expires July 1, 2007.**

16 **SECTION 12. [EFFECTIVE JULY 1, 2004] The provisions of**
 17 **this act are severable in the manner provided by IC 1-1-1-8(b)."**

18 Renumber all SECTIONS consecutively.

(Reference is to HB 1270 as printed January 30, 2004.)

Representative TORR